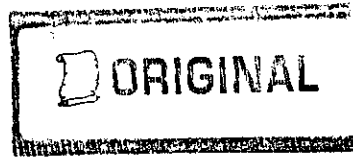


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



FILED
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2012 DEC 11 PM 4:03
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

COMPLAINT
under the
Civil Rights Act
42 U.S.C. §1983
Jury trial Demanded

James Hunter

-against-

City of New York,
Officer Giuca (shield #9511),
Detective King (shield #4607)

CV 12

6139

I. Parties in this complaint:

Plaintiff: James Hunter
1411105564
OBCC-North Facility
1600 Hazen Street
East Elmhurst, New York 11370

BRODIE, J.
LEVY, M.J.

Defendant No. 1: City of New York
Corporate Counsel
100 Church Street
New York, New York 10007

Defendant No. 2: Officer Giuca (shield #9511)
New York City Police Department
70th Precinct
154 Lawrence Avenue
Brooklyn, New York 11226

Defendant No. 3: Detective King (shield #4607)
New York City Police Department
70th Precinct
154 Lawrence Avenue
Brooklyn, New York 11226

II. Statement of Claim:

COUNT I

CLAIM FOR DEPRIVATION OF DUE PROCESS, BREACH
OF OATH OF OFFICE, DEPRIVATION OF EQUAL
PROTECTION OF THE LAWS, ABUSE OF AUTHORITY,
AGAINST DEFENDANT OFFICER GIUCA (SHIELD #9511).

Through his direct actions as an police officer for the City
of New York, and under color of law, defendant Giuca intentionally

maliciously, and with reckless disregard for deliberate indifference to plaintiff's rights, arrested plaintiff and denied medical attention.

Defendant's actions after plaintiff was arrested and charged with assault, defendant denied plaintiff medical attention, and the right to file charges against the perpetrator, after plaintiff requested both, and the official policy, practice, and/or custom resulted directly in the constitutionally deficient investigation and prosecution of plaintiff and abridged his rights guaranteed under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

COUNT II

CLAIM FOR DEPRIVATION OF DUE PROCESS, BREACH OF OATH OF OFFICE, DEPRIVATION OF EQUAL PROTECTION OF THE LAWS, ABUSE OF AUTHORITY, AGAINST DEFENDANT DETECTIVE KING (SHIELD #4607).

Through her direct actions as an police detective for the City of New York, and under color of law, defendant King intentionally, maliciously, and with reckless disregard for and deliberate indifference to plaintiff's rights, arrested plaintiff and denied medical attention.

Defendant's actions after plaintiff was arrested and charged with assault, defendant denied plaintiff medical attention, and the right to file charges against the perpetrator, after plaintiff requested both, and the official policy, practice, and/or custom resulted directly in the constitutionally deficient investigation and prosecution of plaintiff and abridged his rights guaranteed under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

COUNT III

MONELL CLAIM/MUNICIPAL LIABILITY AGAINST DEFENDANT CITY OF NEW YORK.

Defendant City of New York through its employees direct actions intentionally, maliciously, and with reckless disregard for and deliberate indifference to plaintiff's rights, created or allowed the policy or custom to continue under which unconstitutional practices occurred; or supervisor was grossly negligent in managing

subordinates who caused the act.

In addition to or in the alternative, defendant City of New York under color of law, created and maintained an official practice, and/or custom of failing adequately to train, monitor and supervise the employees regarding their constitutional duty to plaintiff's constitutional rights, despite the obviousness that such training, monitoring, or supervision was required in order to prevent constitutional violations.

Defendant City of New York, was aware of members of the police department flagrant abuse of constitutional rights, which defendant's Giuca and King are members of, due to the numerous alleged violations and charges brought against it's police officers and lawsuits in the past that the City paid in response to such abuse.

DAMAGES

The actions of Defendants, jointly and severally, constituted torts equal protection of the laws, abuse of authority, intentional and/or reckless infliction of emotional distress.

The actions of Defendants, jointly and severally, violated plaintiffs constitutional and civil rights guaranteed under the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.

As a direct and proximate cause plaintiff has been stripped of his liberty interest and remain in prison to the present.

Plaintiff suffered loss of employment, and wages during this incarceration.

Plaintiff lost the friendship and companionship of others, including his family.

Plaintiff has suffered mental and psychological stress as a result of these circumstances.

As a direct and proximate result of Defendants' acts, Plaintiff suffered damages and injuries for which he is entitled to compensatory damages in an amount of \$15,000,000.00.

Defendants' acts were intentional, malicious, reckless, wanton, and/or cruel, such as to justify an award of punitive damages in

an amount of \$25,000,000.00.

Plaintiff furthermore suffered other injuries as set forth in the other paragraphs of this Complaint.

PRAYER FOR RELIEF

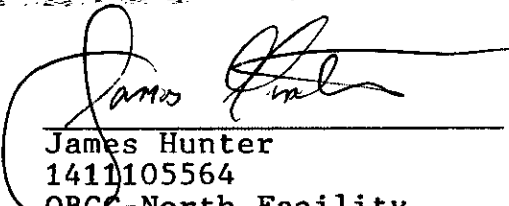
WHEREFORE, Plaintiff James Hunter requests the following relief:

1. An award of compensatory damages to Plaintiff James Hunter and against Defendants, jointly and severally, in an amount of \$15,000,000.00;
2. An award of punitive damages to Plaintiff James Hunter and against Defendants, jointly and severally, in an amount of \$25,000,000.00;
3. An order for injunctive relief against Defendants and their employess from retaliating against Plaintiff James Hunter, or those representing him in this case;
4. An award of reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988 or any other applicable law; and
5. Any other relief to which Plaintiff is entitled.

No other lawsuits has been filed in state or federal court dealing with same facts involved in this action.

I declare under penalty of perjury that the foregoing is true and correct.

signed this 5th day of December, 2012.


James Hunter
1411105564
OBCC-North Facility
1600 Hazen Street
East Elmhurst, New York 11370

I declare under penalty of perjury that on this 5th day of December, 2012, I am delivering this complaint to the prison authorities in the the mail room to be delivered via the US Postal Service, to the Pro Se Office of the United States District Court for the Eastern District of New York.



James Hunter

1411105564

~~OBCC-North-Facility~~

1600 Hazen Street

East Elmhurst, New York 111370